

Grievance Procedure

1003.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- County rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state, or local law as set forth in the Personnel Complaint Policy.

1003.1.2 ADDITIONAL DEFINITIONS

- (a) Grievant: A grievant is an employee in the unit who is filing a grievance as defined. Individual grievances with alleged violations, misapplication, or misinterpretations affecting more than one employee in a substantially similar manner may be consolidated at the discretion of management as a group grievance and shall thereafter be represented by a single grievant.
- (b) Day: Unless otherwise defined, for the purpose of this Article "day" shall mean a calendar day.

1003.2 PROCESS

Informal Resolution: Within fourteen (14) days from the event giving rise to a grievance or from the date the employee could reasonably have been expected to have had knowledge of such event, the grievant shall orally discuss the grievance with the grievant's immediate supervisor. A supervisor shall have seven (7) days to give an answer to the employee.

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Formal levels:

Level 1. If a grievant is not satisfied with the resolution proposed at the informal level, the grievant may within seven (7) days of such receipt of such answer file a formal written grievance with the grievant's lieutenant on a form containing a statement describing the grievance, the section of this Agreement allegedly violated, and remedy requested. The lieutenant (or designee) shall, within seven (7) days have a meeting with the grievant and within seven (7) thereafter give a written answer to the grievant on the form provided.

Level 2. If a grievant is not satisfied with the resolution proposed at level 1, the grievant may within seven (7) days of such receipt of such answer file a written appeal with the grievant's Captain on a form containing a statement describing the reason for the appeal. The Captain (or designee) shall, within seven (7) days have a meeting with the grievant and within seven (7) days thereafter give a written answer to the grievant on the form provided.

Level 3. If a grievant is not satisfied with the resolution proposed at Level 2, the grievant may within seven (7) days of such receipt of such answer file a written appeal with the Undersheriff on a form containing a statement describing the reason for the appeal. The Undersheriff (or designee) shall, within seven (7) days have a meeting with the grievant and within seven (7) days thereafter give a written answer to the grievant on the form provided.

Level 4. If the grievant is not satisfied with the written answer from the Undersheriff, the grievant may, within seven (7) days from the receipt of such answer, file a written appeal to the Sheriff. Within seven (7) days of receipt of the written appeal, the Sheriff or designee shall investigate the grievance which may include a meeting with concerned parties and, thereafter give written answer to the grievant within seven (7) days.

Level 5. If the grievant is not satisfied with the written answer from the Sheriff, the grievant may, within seven (7) days from the receipt of such answer, file a written appeal to the Personnel Director. Within seven (7) days of receipt of the written appeal, the Personnel Director or designee, shall investigate the grievance which may include a meeting with the concerned parties and, thereafter give written answer to the grievant within seven (7) days.

Level 6. If the grievant is not satisfied with the written answer from the Personnel Director, the grievant may, within seven (7) days from the receipt of such answer, file a written appeal to the Grievance Board. The Grievance Board shall consist of three members acting as neutrals:

- (a) A department Head (or Assistant Department Head) of a department from other than the department in which the grievant is employed to be appointed by the County Administrative Officer,
- (b) A County employee represented and designated by the Association, who shall be granted release time to participate in the activities of Grievance Board, and
- (c) The County Personnel Director or designee who shall serve as Chairperson.

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1003.3 GENERAL PROVISIONS

1. If a grievant fails to carry the grievance forward to the next level within the prescribed time period, the grievance shall be considered settled based upon the decision rendered at the most recent step utilized.
2. If a supervisor or manager fails to respond with an answer within the given time period, the grievant may appeal the grievance to the next higher level as if a negative response had been received on the final day for the decision.
3. The grievant may be represented by a person of the grievant's choice at any formal level of this procedure.
4. Time limits and formal levels may be waived by mutual written consent of the parties. If a specific person is required to respond and that person is unavailable for any period of over three (3) days, the time limit shall be automatically tolled until they once again become available.
5. Proof of service shall be accomplished by certified mail or personal service.
6. The Grievance Board is hereby delegated the independent authority to award expenditures by ordering back pay of up to \$1000 or reimbursement of leave balances of up to 40 hours. Grievance Board resolution of grievances in amounts or requiring expenditures in excess of those amounts must be presented to the Board of Supervisors by the Chairperson of the Grievance Board for a final decision by the Board of Supervisors on the expenditure amount.
7. The County shall recognize up to five (5) Deputy Sheriffs' Association (DSA) stewards. Stewards shall be provided a reasonable amount of release time to investigate and present grievances. A current listing of such stewards, along with the work location of each, shall be provided to the Personnel Office by the DSA. Grievance investigations shall be conducted in such a manner as to interfere as little as possible with work in progress. After notifying the steward's immediate supervisor as far in advance as reasonably possible, the steward shall be permitted to leave the regular work area to deal with grievance matters. Permission for such use of work time shall not be unreasonably withheld.
8. Departmental Policies and other issues which are not grievable, but still of concern to an employee may be processed as a "Complaint" using the Grievance Procedure up through Level 4. The Department head's decision on a "Complaint" shall be final and binding.